

STATE OF NEW YORK
SUPREME COURT COUNTY OF ROCKLAND

**HENNA ROSENFELD, Individually and on behalf of
all similarly situated consumers,**

Plaintiff,

ANSWER

-vs-

Index No.: 034445/2019

**CAPITAL MANAGEMENT SERVICES, LP and
NORTHSTAR LOCATION SERVICES, LLC,**

Defendants.

Defendant, Northstar Location Services, LLC, by its attorneys, Barclay Damon LLP, as
and for its Answer to the Complaint of Plaintiff, alleges as follows:

PRELIMINARY STATEMENT

1. Denies the allegations contained in Paragraph 1 of the Complaint.

JURISDICTION AND VENUE

2. The allegations contained in Paragraph 2 are legal conclusions to which no
response is required. To the extent a response is required, Defendant denies knowledge or
information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2
of the Complaint.

3. The allegations contained in Paragraph 3 are legal conclusions to which no
response is required. To the extent a response is required, Defendant denies knowledge or
information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3
of the Complaint.

PARTIES

4. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations contained in Paragraph 4 of the Complaint.

5. The allegations contained in Paragraph 5 are legal conclusions to which no response is required. To the extent a response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint.

FACTUAL STATEMENT

7. The allegations contained in Paragraph 7 are legal conclusions to which no response is required. To the extent a response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint.

8. The allegations contained in Paragraph 8 are legal conclusions to which no response is required. To the extent a response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint.

11. Neither admits or denies the allegations contained in Paragraph 11 of the Complaint and refers to the content of the letter referenced at Paragraph 11 of the Complaint, which letter speaks for itself.

12. Neither admits or denies the allegations contained in Paragraph 12 of the Complaint and refers to the content of the letter referenced at Paragraph 12 of the Complaint, which letter speaks for itself.

13. Neither admits or denies the allegations contained in Paragraph 13 of the Complaint and refers to the content of the letter referenced at Paragraph 13 of the Complaint, which letter speaks for itself.

14. Denies the allegations contained in Paragraph 14 of the Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint.

16. Denies the allegations contained in Paragraph 16 of the Complaint.

CLASS ACTION ALLEGATIONS

The Class

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the Complaint.

18. The allegations contained in Paragraph 18 are legal conclusions to which no response is required. To the extent a response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the Complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint.

Numerosity

21. Denies the allegations contained in Paragraph 21 of the Complaint.

22. The allegations contained in Paragraph 22 are legal conclusions to which no response is required. To the extent a response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint.

23. Denies the allegations contained in Paragraph 23 of the Complaint.

Common Questions of Law and Fact

24. Denies the allegations contained in Paragraph 24 of the Complaint.

Typicality

25. Denies the allegations contained in Paragraph 25 of the Complaint.

Protecting the Interests of the Class Members

26. Denies the allegations contained in Paragraph 26 of the Complaint.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of the Complaint.

Proceeding Via Class Action is Superior and Advisable

28. Denies the allegations contained in Paragraph 28 of the Complaint.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of the Complaint.

30. Denies the allegations contained in Paragraph 30 of the Complaint.

31. The allegations contained in Paragraph 31 are legal conclusions to which no response is required. To the extent a response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph

31 of the Complaint.

32. Denies the allegations contained in Paragraph 32 of the Complaint.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint.

34. Denies the allegations contained in Paragraph 34 of the Complaint.

35. Denies the allegations contained in Paragraph 35 of the Complaint.

36. Denies the allegations contained in Paragraph 36 of the Complaint.

COUNT 1

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. §1692, et. seq.

37. Repeats and realleges its respective responses to those paragraphs repeated and realleged in Paragraph 37 of the Complaint.

38. Denies the allegations contained in Paragraph 38 of the Complaint.

39. Denies each and every other allegation contained in said Complaint not herein before admitted, denied, or otherwise controverted.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

40. With respect to Plaintiff's allegations in the Complaint, any violations as alleged by the Plaintiff were not intentional and resulted from a *bona fide* error notwithstanding the maintenance of procedures reasonable adapted to avoid any such error.

SECOND AFFIRMATIVE DEFENSE

41. With respect to Plaintiff's allegations in the Complaint, any violations as alleged by the Plaintiff were not actionable due to lawful right, legal defense, legal justification and/or legal excuse.

THIRD AFFIRMATIVE DEFENSE

42. Upon information and belief, Plaintiff may have brought this action against Defendant in bad faith and for the purposes of harassment, in violation of 15 U.S.C. 1692(k).

FOURTH AFFIRMATIVE DEFENSE

43. Defendant reserves the right to amend other defenses which may become apparent through the course of discovery of this case.

WHEREFORE, Defendant, Northstar Location Services, LLC, respectfully requests that the Court: (i) enter judgment in its favor; (ii) dismiss the plaintiff's Complaint against it; (iii) award Defendant's attorneys' fees and costs; and (iv) grant such other and further relief as the Court deems just and proper.

DATED: December 19, 2019

BARCLAY DAMON LLP

By: s/ Paul A. Sanders
Paul A. Sanders

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